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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

| | | |
|------------------------------|---|-------------------------------|
| 13 UNITED STATES OF AMERICA, |) | No. CR 05-00731 WHA |
| 14 Plaintiff, |) | |
| 15 v. |) | PROPOSED ORDER AND |
| 16 ANDRE GLASER, |) | STIPULATION EXCLUDING TIME |
| 17 Defendant. |) | FROM THE SPEEDY TRIAL ACT |
| |) | CALCULATION |
| |) | (18 U.S.C. § 3161 (h)(8)(A)) |
| |) | |

19 The parties stipulate and agree, and the Court finds and holds, as follows:
20

21 1. The parties initially appeared on the instant matter October 3, 2005 for defendant's
22 initial appearance on the complaint, and thereafter appeared on November 22, 2005 for
23 defendant's arraignment on the indictment.

24 2. At a status hearing on December 8, 2005, the matter was continued until January 10,
25 2006 for trial setting before the Honorable William H. Alsup.

26 3. On December 8, 2005, Assistant Public Defender Ronald Tyler, who represents the
27 defendant, requested an exclusion of time from December 17, 2005 to January 9, 2006, based on
28 continuity of counsel. Mr. Tyler will be out of the office from December 17, 2005 to January 9,

2005. The parties moved that this same time period be excluded from the calculation of time under the Speedy Trial Act.

4. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny defendant continuity of counsel and would deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A), (B)(iv). The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

2. For the reasons stated, the time period from December 17, 2005 through January 9, 2005 shall be excluded from the calculation of time under the Speedy Trial Act.

IT IS SO STIPULATED.

DATED: _____

Respectfully Submitted,

_____/S/
NAHLA RAJAN
Special Assistant United States Attorney

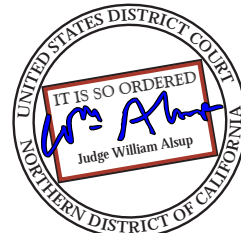
DATED: _____

_____/S/
RONALD TYLER
Counsel for Andre Glaser

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 13, 2005 _____

HONORABLE WILLIAM H. ALSUP
United States District Judge



CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

[PROPOSED] ORDER AND STIPULATION EXCLUDING TIME FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161 (h)(8)(A))

to be served this date on the party(ies) in this action,

Via Hand Delivery

RONALD TYLER
Assistant Federal Public Defender
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: December 9, 2005

_____/S/
Ponly J. Tu
Legal Assistant (Immigration)
U.S. Attorney's Office